

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

In Re DMCA Subpoena to Epik LLC.

Case No.: 21-MC-96-SKV

DECLARATION OF JUSTO G.  
GONZALEZ IN SUPPORT OF  
HELBIZ, INC.'S MOTION FOR  
ISSUANCE OF A SUBPOENA TO  
EPIK LLC PURSUANT TO 17 U.S.C.  
512(H) TO IDENTIFY ALLEGED  
INFRINGER

I, Justo G. Gonzalez, am over the age of 18, have personal knowledge of all the facts stated herein and declare as follows:

1. Pursuant to 28 U.S.C. § 1746 I am authorized to act on behalf of Helbiz, Inc.
2. I submit this Declaration in support of Helbiz's request to the Court to issue to Epik LLC a subpoena pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. §512(h)(hereinafter the "DMCA Subpoena") to identify the owners of the domain name [www.hbznews.com](http://www.hbznews.com).
3. In accordance with 17 U.S.C. §512(c)(3)(A), Helbiz submitted a notification to Limestone Networks, Inc. identifying the infringing content posted on [www.hbnews.com](http://www.hbnews.com) and

DECLARATION OF JUSTO G. GONZALEZ IN SUPPORT OF  
HELBIZ, INC.'S MOTION FOR ISSUANCE OF A SUBPOENA TO  
EPIK LLC PURSUANT TO 17 U.S.C. 512(H) TO IDENTIFY  
ALLEGED INFRINGER - 1

**STOKES LAWRENCE, P.S.**  
1420 FIFTH AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-2393  
(206) 626-6000

1 providing the information required by 17 U.S.C. §512(c)(3)(A). A true and accurate copy of the  
2 submitted notification is attached hereto as Exhibit 1.

3 4. In accordance with 17 U.S.C. §512(c), Helbiz submitted a DMCA takedown  
4 notice to Epik LLC on May 13, 2020. A true and accurate copy of the emailed notice is attached  
5 hereto as Exhibit 2.

6 5. The purpose for which this DMCA Subpoena is sought is to obtain the identity of  
7 the alleged infringers who are using the www.hbznews.com website to post infringing content.  
8 Such information will be used only for protecting the rights of Helbiz under 17 U.S.C. §§100, et  
9 seq.

10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing is true and correct.

12 EXECUTED at Seattle, WA this 23rd day of August, 2021.

13  
14 s/ Justo G. Gonzalez  
15 Justo G. Gonzalez  
16  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 23 August 2021, I caused the foregoing to be:



E-mailed to the Clerk of the Court to the following:

newcases.seattle@wawd.uscourts.gov

By: s/ Alexandra Keithley  
Alexandra Keithley, Practice Assistant

## EXHIBIT 1

**Amy B. Goldsmith**

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**From:** Limestone Networks Abuse Team <noreply@limestonenetworks.com>  
**Sent:** Wednesday, January 27, 2021 4:33 PM  
**To:** Amy B. Goldsmith  
**Subject:** [EXT] DMCA Complaint - <https://protect-us.mimecast.com/s/fV-mC82905H63xvPHnnPqj?domain=hbznews.com>

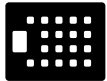
Hello Amy B Goldsmith,

We have successfully recorded your abuse report regarding the IP/Hostname <https://hbznews.com/>.

Our Abuse department processes all requests sent using our online form or emailed to [abuse@limestonenetworks.com](mailto:abuse@limestonenetworks.com). Please allow up to 48 hours for resolution and please understand that a personal reply to your complaint may be sent only if more information is necessary.

Thank you for your help in keeping the Internet clean,

Abuse Department  
Limestone Networks



# Limestone Networks, Inc.

Simple. Solid. Superior.

[Our Company \(/about/limestone-networks.html\)](/about/limestone-networks.html)

[Live Chat \(/about/live-chat.html\)](/about/live-chat.html)

[Contact Us \(/about/contact-us.html\)](/about/contact-us.html)

[Report Abuse \(/about/report-abuse.html\)](/about/report-abuse.html)

[Referral Program \(/about/referral-program.html\)](/about/referral-program.html)

[Account Specialists \(/about/account-specialists.html\)](/about/account-specialists.html)

[Terms of Service \(/about/terms-of-service.html\)](/about/terms-of-service.html)

[Acceptable Use Policy \(/about/acceptable-use-policy.html\)](/about/acceptable-use-policy.html)

[Service Level Agreement \(/about/service-level-agreement.html\)](/about/service-level-agreement.html)

[Privacy Policy \(/about/privacy-policy.html\)](/about/privacy-policy.html)

## Report Abuse

Name

Amy B Goldsmith

Email Address

✉ agoldsmith@tarterkrinsky.com

IP / Hostname

https://hbznews.com/

Type of Abuse

DMCA Complaint

Describe the Abuse

https://hbznews.com/ is the site hosted by Limestone Networks.

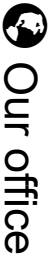
The photographs appearing on hbznews.com behind the text "Is this a Scam," the videos (3 commercials and a training video from 2010) the photos appearing at all of the itemized numbers and the photos of the Helbiz team (Salvatore Dalalla, Cirilia

Provide and/or URLs

These links contain the photographic and video materials which HBZnews has no right to display as the copyrights are owned by Helbiz and Helbiz has not authorized HBZNews to use them in any manner. HBZNews is infringing Helbiz's copyrights and accordingly we request that the content be removed.

- https://hbznews.com/introduction
- https://hbznews.com/google-play-banned-helbiz-app
- https://hbznews.com/helbiz-covid19-kit
- https://hbznews.com/helbiz-partnership-with-miami-fc
- https://hbznews.com/helbiz-team
- https://www.hbznews.com/helbiz-joined-innovation-2021

Send the Report



**Limestone Networks, Inc.**  
400 S Akard St., Suite 200  
Dallas, TX 75044

## Partners

(<http://partnernoc.cpanel.net/res/3031/limestone-networks.htm>)

(<http://www.plesk.com/>)

(<http://www.microsoft.com/>)

(<http://www.cisco.com/>)

## Stay Connected

Press ([/wordpress/category/press--releases/](#))

Blog ([/wordpress/](#))

Support Center (<http://support.limestonenetworks.com>)

 (<http://www.facebook.com/LimestoneInc>) 

(<http://www.twitter.com/LimestoneInc>) 

(<https://plus.google.com/+Limestonenetworks>) 

(<http://www.youtube.com/user/LimestoneLSN>) 

(<https://www.linkedin.com/company/limestone-networks-inc>)

Join our newsletter.

Your Email Address

 [Sendable Information](#)

Speed Test ([/data-center/network.htm#test](#))

Service Level Agreement ([/about/service-level-agreement.html](#))

Acceptable Use Policy ([/about/acceptable-use-policy.html](#))



[Terms of Service \(/about/terms-of-service.html\)](#)

[Privacy Policy \(/about/privacy-policy.html\)](#)

Hosting Solutions

[Clearance Dedicated Servers \(/dedicated-servers/clearance.html\)](#)

[Xeon Dedicated Servers \(/dedicated-servers/bare-metal.html\)](#)

[AMD EPYC Dedicated Servers \(/dedicated-servers/bare-metal.html\)](#)

[Cheap Dedicated Servers \(/dedicated-servers/clearance.html\)](#)

Contact Us

877.586.0555 (tel:18775860555)

[Online Form & Address \(/about/contact-us.html\)](#)

[Live Chat \(/about/live-chat.html\)](#)

[Open a Ticket \(https://one.limestonenetworks.com/support/newticket.html\)](#)

[Abuse Report \(/about/report-abuse.html\)](#)

Get a Custom Quote

Your First Name

Your Last Name

Your Email Address

Get a Quote

Simple. Solid. Superior.

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### **Describe the Abuse**

<https://hbznews.com/> is the site hosted by Limestone Networks.

The photographs appearing on [hbznews.com](https://hbznews.com/) behind the text "Is this a Scam," the videos (3 commercials and a training video from 2018), the photos appearing at No. 66 of the itemized numbers, and the photos of the Helbiz team (Salvatore Palella, Giulio Profumo and Luca Santambrogio) are infringing copyright rights owned by Helbiz.

Helbiz owns all copyright rights in and to all of the photos and the videos which appear here:

<https://helbiz.com/company-info>

<https://www.instagram.com/helbizofficial/?hl=en>

<https://www.instagram.com/p/BuwD80dnTGV/>

<https://www.instagram.com/p/Bt5jaM1n2SU/>

<https://www.instagram.com/p/BuGLhqIHRG6/>

<https://www.instagram.com/p/BuGLhqIHRG6/>

<https://www.instagram.com/p/Brm-wRQgttn/>

[https://www.youtube.com/embed/xtg6sllC\\_IE](https://www.youtube.com/embed/xtg6sllC_IE)

In accordance with the DMCA, as counsel for Helbiz, we hereby request that Limestone immediately remove the infringing materials. Please advise us within ten (10) days of the date of this submission (no later than February 4th) whether you will comply. I have a good faith believe that the use of the photographs and videos by HBZ News in the manner complained of is not authorized by the copyright owner, its agent, or the law. I hereby state under penalty of perjury that this information is accurate and that I am authorized to act on behalf of the owner of the infringed materials.

Amy B. Goldsmith

### **Provide and/or URLs**

These links contain the photographic and video materials which HBZnews has no right to display as the copyrights are owned by Helbiz and Helbiz has not authorized HBZNews to use them in any manner. HBZNews is infringing Helbiz's copyrights and accordingly we request that the content be removed.

<https://hbznews.com/introduction>

<https://hbznews.com/google-play-banned-helbiz-app>

<https://hbznews.com/helbiz-covid19-kit>

<https://hbznews.com/helbiz-partnership-with-miami-fc>

<https://hbznews.com/helbiz-team>

<https://www.hbznews.com/helbiz-joined-inauguration-2021>

https://hbznews.com/helbiz-investors-join-together  
https://hbznews.com/helbiz-bike-greta  
https://hbznews.com/helbiz-launching-in-washington-dc

LSN

Limestone  
NETWORKS

Products ▾ Solutions ▾ Support ▾ About ▾

Specials Login

Limestone Networks, Inc.  
Simple. Solid. Superior.

Our Company

Live Chat

Contact Us

Report Abuse

Referral Program

Your abuse report has been sent successfully.

Report Abuse

Name

Email Address

IP / Hostname

Type of Abuse

Choose One:

Our office

Limestone Networks, Inc.  
400 S Akard St., Suite 200  
Dallas, TX 75044

## EXHIBIT 2



Tarter Krinsky & Drogin LLP  
1350 Broadway  
New York, NY 10018  
P 212.216.8000  
F 212.216.8001  
[www.tarterkrinsky.com](http://www.tarterkrinsky.com)

May 13, 2020

**Via Email**

Epik, LLC  
Attn: Copyright Agent  
704 228th Ave NE  
Sammamish, WA 98074

Re: DMCA Takedown Notice

Dear Sir or Madame:

I am an attorney and I represent Helbiz Inc. A website that your company hosts (according to WHOIS information) is infringing on numerous copyrights owned by Helbiz Inc. The web site is <https://hbznews.com> and has no connection to Helbiz Inc. The hbznews.com web site also contains numerous false and defamatory statements about Helbiz and its management team.

The pages with copyright infringements include, but are not limited to:

<https://hbznews.com/helbiz-pay> which contains an internal corporate video belonging to Helbiz Inc. that was never authorized for public release. Also on this page are numerous Helbiz related photos and images that Helbiz owns the copyright to.

<https://hbznews.com/> which contains copyrighted photos of three members of Helbiz's management team that are posted without authorization

<https://hbznews.com/introduction> which contains Helbiz's internal corporate video and numerous photos and images to which Helbiz owns the copyright

<https://hbznews.com/del-piero-helbiz-car>, which contains a Helbiz video showing a celebrity soccer player that Helbiz no longer has the rights to use.

These are just some of the numerous examples because virtually every page of the web site contains videos, photos and images whose copyright is owed by Helbiz and that are being used without permission.

This letter is official notification under Section 512(c) of the Digital Millennium Copyright Act ("DMCA"), and Helbiz seeks the removal of the aforementioned infringing

material from your servers and requests that the entire site be taken down. I request that you immediately notify the infringer of this notice and inform them of their duty to remove the all of the infringing material immediately, and notify them to cease any further posting of infringing material to your server in the future.

Please also be advised that law requires you, as a service provider, to remove or disable access to the infringing materials upon receiving this notice. Under US law a service provider, such as yourself, enjoys immunity from a copyright lawsuit provided that you act with deliberate speed to investigate and rectify ongoing copyright infringement. If service providers do not investigate and remove or disable the infringing material this immunity is lost. Therefore, in order for you to remain immune from a copyright infringement action you will need to investigate and ultimately remove or otherwise disable the infringing material from your servers with all due speed should the direct infringer, your client, not comply immediately.

I am providing this notice in good faith and with the reasonable belief that rights belonging to Helbiz Inc. are being infringed. Under penalty of perjury I certify that the information contained in the notification is both true and accurate, and I have the authority to act on behalf of the owner of the copyright(s) involved.

#### **False and Defamatory Statements**

The hbznews.com website has also published numerous false and defamatory statements concerning Helbiz Inc. and its management team. For example the site falsely claims on numerous pages that Helbiz is a “scam” or that the company scammed investors. Examples of these pages (among many) are:

[hbznews.com/introduction](https://www.hbznews.com/introduction)

<https://www.hbznews.com/official-answer-to-helbiz-from-ico-investors>

<https://hbznews.com/helbiz-partnership-with-tinaba>

These statements -- and numerous similar ones on the website -- maliciously target Helbiz Inc. and the individual members of its management team with false statements in an attempt to derail the company’s business relationships and prospects,

Should you wish to discuss this with me please contact me directly at [rheim@tarterkrinsky.com](mailto:rheim@tarterkrinsky.com) or (212) 216-1131. Thank you.

Very truly yours,

*Robert Heim*

Robert Heim

cc: Helbiz Inc.